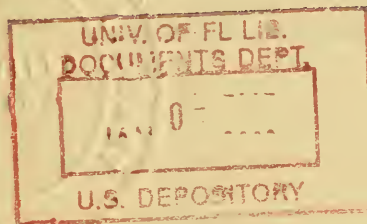


NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION
FOR THE
TRUCKING INDUSTRY

AS APPROVED ON SEPTEMBER 5, 1934



UNITED STATES
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AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

TRUCKING INDUSTRY

As Approved on September 5, 1934

ORDER

APPROVING MODIFICATIONS OF CODE OF FAIR COMPETITION FOR THE
TRUCKING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of modifications to the Code of Fair Competition for the Trucking Industry and the annexed report on said modifications containing findings with respect thereto having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate by reference, said annexed report and do find that said modifications and the Code as constituted after being modified comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said modifications be and they are hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as modified, such approval and such modifications to take effect fourteen days from the date hereof, unless good cause to the contrary is shown to the Administrator before that time and the Administrator issues a subsequent order to that effect.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

L. H. PEEBLES,
Acting Division Administrator.

WASHINGTON, D.C.,
September 5, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on Modifications of the Code of Fair Competition for the Trucking Industry. The Modifications were submitted by the Code Authority for said Industry and are to be published coincidental with the approval of the Order. Opportunity to file objections is to be afforded to all interested parties.

In final form these Modifications have been approved by the Industrial Advisory Board and the Legal Division of the National Recovery Administration. These are the only Boards concerned with these Modifications.

The Deputy Administrator in his final report to me on the Modifications of said Code, having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The Modifications of said Code and the Code as modified is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as modified complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid Modifications on behalf of the Industry as a whole.

(d) The Modifications and the Code as modified are not designed to and will not permit monopolies or monopolistic practices.

(e) The Modifications and the Code as modified are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in any other steps of the economic process are to have full opportunity to be heard as provided in the Order of Approval.

For these reasons, these Modifications have been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

SEPTEMBER 5, 1934.

MODIFICATION OF CODE OF FAIR COMPETITION FOR THE TRUCKING INDUSTRY

Modify Article II by striking out Section 15, and changing the numbering of the sections following accordingly.

Modify the first paragraph of Article III, A, by striking out the words "Regional Code Authorities; (3)", and changing the number "(4)" to "(3)".

Modify Article III, A (1) by striking out the first paragraph thereof headed "Organization", and substituting the following:

The National Code Authority shall consist of one voting member from each region. For the purpose of administering the Code, the National Code Authority shall divide the United States into regions consisting of three or more states. The voting members of the National Code Authority shall be elected by an electoral college consisting of four members from each region. Members of this electoral college shall be chosen by a majority vote of a convention of state code authorities in each region, each state area in such region voting an equal number of votes. The members of the electoral college so chosen from each region shall be, one, a regular route common carrier operator; one, a contract operator; one, a local cartage operator; and one, an operator from some other natural class of the Industry.

"The first convention for choice of delegates to the electoral college shall be held in each region on call of the National Code Authority, which call shall be issued within ninety days after the elections provided for in paragraph (3) hereof headed 'State Code Authority' and such convention shall be subject to rules and regulations prescribed by the National Code Authority and approved by the Administrator.

"The first meeting of the electoral college shall be held on call of the National Code Authority and it shall thereafter operate in accordance with its own by-laws approved by the Administrator and under its own officers."

Modify the second paragraph of Article III, A (1) headed "Powers and Duties" by striking out the word "Regional",

Modify Article III, A (1) (f) by striking out the word "Regional",

Modify Article III, A (1) (k) by striking out the word "Regional",

Strike out Article III, A (2) headed "Regional Code Authority", and change the numbering of (3) headed "State Code Authority" and (4) headed "Divisional Code Authorities" accordingly.

Modify the present paragraph Article III, A (3) headed "State Code Authority" by striking out Sub-section (h) and substituting the following:

"The appropriate State Code Authority with respect to filing of rates between two or more State Areas, shall be the State Code Authorities for each area within whose jurisdiction such rates apply with respect to hearings on the sufficiency of a rate or rates to meet the cost of the service to be performed. The appropriate State Code

Authority having the power to hold hearings thereon and to suspend such rate, after hearing, shall be that State Code Authority within whose jurisdiction the service to be performed to which such rate applies has its beginning under such rate."

Modify Article III, A (4) (A) headed "Natural Division of Industry" by striking out the words "or Regional" in Sub-section (5).

Modify Article III, C, headed "Temporary Organizations" by striking out the word "Regional".

Modify Article IV, headed "Industrial Relations Boards", by striking out the word "Regional",

Modify Article V, A, by striking out the words "or Regional" from Section 5.

Modify Article VII by striking out the words "or Regional" from Sections 1 and 2 thereof, and by striking out the words "and Regional" from Section 3 thereof and inserting in line five of said Section 3 between the word "Divisional" and the word "State" the word "and".

Modify Article VIII, headed "Trade Agreements", by striking out the words "Regional or" from the second paragraph thereof, and by striking out the following beginning with line three of the third paragraph thereof:

"Trade agreements extending beyond the jurisdiction of a State Code Authority shall be submitted to the appropriate Regional Code Authority and if extending beyond the jurisdiction of one Regional Code Authority, shall be presented to the Code Authority for one of the regions involved and shall be dealt with by a joint committee of all the regional code authorities within whose jurisdiction such group agreement is effective. The Code Authority to which such trade agreement is originally presented shall give notice to all other regional code authorities in order that such joint committee may be set up. In dealing with such trade agreement, the joint committee of all the regions involved shall be vested with the powers of the several regional code authorities from which its members are appointed. The proceedings of such inter-regional committee shall be conducted according to rules and regulations prescribed by the National Code Authority and each Regional Code Authority involved shall be kept fully informed of the activities of the joint committee."

and substituting therefor the following:

"Trade agreements extending beyond the jurisdiction of a state code authority shall be submitted to the code authorities for each state within whose jurisdiction such group agreement is effective, and if approved shall be dealt with by a joint committee of all the state code authorities within whose jurisdiction such group agreement is effective. The proceedings of such inter-state committee shall be conducted according to rules and regulations prescribed by the National Code Authority and each state code authority involved shall be kept fully informed of the activities of the joint committee."

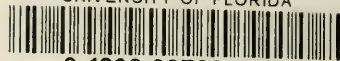
Modify Article X, Section 3 by striking out the word "Regional".

Approved Code No. 278—Amendment No. 2.
Registry No. 1411-61.

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